

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

SENATE.

No. 96.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE.

AN ACT relating to the sale of intoxicating liquors.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. Any liquors for city or town agencies not purchased according to law, shall be liable to seizure and forfeiture, like other liquors unlawfully kept.

SECT. 2. No person shall travel from town to town, or from place to place, in any city, town or plantation in this state, on foot, or by any kind of land or water, public or private conveyance whatever, carrying for sale, or offering for sale, or offering to obtain, or obtaining orders for the sale or delivery of any spirituous, intoxicating or fermented liquors, in any quantity, under a penalty of not less than one hundred dollars for each offer to take an order,

10 and for each order taken, and for each sale so made,
11 to be collected on complaint, or by indictment, be-
12 fore any court competent to try the same; one-half
13 of such fine to the complainant, and the other half
14 to the county in which the offence is committed;
15 and in default of payment of said fine and costs,
16 the convict shall suffer in each case an imprison-
17 ment of three months.

SECT. 3. If any person, by himself, clerk,
2 servant, or agent, shall at any time sell any intox-
3 icating liquors in violation of the provisions of
4 this chapter, he shall forfeit and pay on the first
5 conviction a fine of one hundred dollars and the
6 cost of prosecution, or instead of such fine, in
7 the discretion of the court imposing sentence,
8 shall be imprisoned in the county jail thirty days;
9 on the second conviction he shall pay two hundred
10 dollars and the costs of prosecution, and in addi-
11 tion thereto shall be imprisoned in the county jail
12 sixty days; and on the third and every subsequent
13 conviction he shall pay two hundred dollars and
14 the costs of prosecution, and shall be imprisoned
15 in the county jail three months, and in default of
16 the payment of the fines and costs prescribed by
17 this section for the first conviction, the convict

18 shall not be entitled to the benefit of chapter one
19 hundred and thirty-five until he shall have been
20 imprisoned two months; in default of fines and
21 costs provided for the second conviction, he shall
22 not be entitled to the benefit of said chapter until
23 he shall have been imprisoned three months; and
24 in default of payment of fine and costs provided
25 for the third and every subsequent conviction, he
26 shall not be entitled to the benefit of said chapter
27 until he shall have been imprisoned four months.
28 And if any clerk, servant, agent or other person in
29 the employment or on the premises of another,
30 shall violate the provisions of this section, or aid
31 and assist therein, he shall be held equally guilty
32 with the principal, and on conviction shall suffer
33 like penalty.

SECT. 4. Trial justices and judges of the
2 municipal and police courts shall send to the upper
3 courts in their several districts, copies of records of
4 convictions of their courts, and former convictions
5 shall always be alleged in subsequent cases. Every
6 trial justice, recorder, clerk and judge of a
7 municipal or police court, and every county
8 attorney having knowledge of any previous con-
9 viction of any person accused of violating this

10 chapter in preparing complaints, warrants or
11 indictments, shall allege such previous conviction
12 thereon; and after an indictment in any such case
13 is entered in court, no county attorney shall dis-
14 miss or fail to prosecute the same except by special
15 order of said court. If any trial justice, recorder,
16 clerk, or judge of a municipal or police court, or
17 county attorney, neglects or refuses to allege any
18 such previous conviction, or if any county attorney
19 shall fail to prosecute as provided in this section,
20 he shall forfeit one hundred dollars in each case,
21 to be recovered in an action of debt, to be brought
22 by the attorney general in behalf of the state.

SECT. 5. Apothecaries, registered as herein pro-
2 vided, shall have the right to keep, under such
3 restrictions as the legislature may impose, all
4 medicines and poisons authorized by the United
5 States dispensatory and pharmacopœa as of recog-
6 nized medicinal utility; *provided*, that nothing
7 herein contained shall be so construed as to au-
8 thorize the sale of intoxicating liquors, and all
9 intoxicating liquors of whatever kind, found on
10 the premises of druggists or apothecaries, shall be
11 held to be intended for sale in violation of law,

(5)

12 except in quantities judged to be reasonable for
13 the needs of their legitimate business.

SECT. 6. All acts or parts of acts inconsistent
2 with this act are hereby repealed.

STATE OF MAINE.

IN SENATE, March 12, 1883.

On motion of Mr. PENNELL of Androscoggin, laid on the table
to be printed.

C. W. TILDEN, *Secretary*.